



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5769

Introduced 11/16/2022, by Rep. Mark Batinick - Keith R. Wheeler - Stephanie A. Kifowit - Jonathan Carroll - Barbara Hernandez, et al.

SYNOPSIS AS INTRODUCED:

430 ILCS 65/4

from Ch. 38, par. 83-4

Amends the Firearm Owners Identification Card Act. Provides that the parent or legal guardian that consents to an applicant under the age of 21 for a Firearm Owner's Identification Card possessing and acquiring firearms and firearm ammunition shall be liable for any damages resulting from the applicant's use of firearms or firearm ammunition and may be held accountable under the Parties to Crime Article of the Criminal Code of 2012 for any criminal offenses resulting from the applicant's use of firearms or firearm ammunition.

LRB102 28270 CPF 40141 b

1 AN ACT concerning public safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Firearm Owners Identification Card Act is
5 amended by changing Section 4 as follows:

6 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

7 Sec. 4. Application for Firearm Owner's Identification
8 Cards.

9 (a) Each applicant for a Firearm Owner's Identification
10 Card must:

11 (1) Submit an application as made available by the
12 Illinois State Police; and

13 (2) Submit evidence to the Illinois State Police that:

14 (i) This subparagraph (i) applies through the
15 180th day following July 12, 2019 (the effective date
16 of Public Act 101-80) ~~this amendatory Act of the 101st~~
17 ~~General Assembly~~. He or she is 21 years of age or over,
18 or if he or she is under 21 years of age that he or she
19 has the written consent of his or her parent or legal
20 guardian to possess and acquire firearms and firearm
21 ammunition and that he or she has never been convicted
22 of a misdemeanor other than a traffic offense or
23 adjudged delinquent, provided, however, that such

1 parent or legal guardian is not an individual
2 prohibited from having a Firearm Owner's
3 Identification Card and files an affidavit with the
4 Department as prescribed by the Department stating
5 that he or she is not an individual prohibited from
6 having a Card;

7 (i-5) This subparagraph (i-5) applies on and after
8 the 181st day following July 12, 2019 (the effective
9 date of Public Act 101-80) ~~this amendatory Act of the~~
10 ~~101st General Assembly~~. He or she is 21 years of age or
11 over, or if he or she is under 21 years of age that he
12 or she has never been convicted of a misdemeanor other
13 than a traffic offense or adjudged delinquent and is
14 an active duty member of the United States Armed
15 Forces or has the written consent of his or her parent
16 or legal guardian to possess and acquire firearms and
17 firearm ammunition, provided, however, that such
18 parent or legal guardian is not an individual
19 prohibited from having a Firearm Owner's
20 Identification Card and files an affidavit with the
21 Illinois State Police Department as prescribed by the
22 Illinois State Police Department stating that he or
23 she is not an individual prohibited from having a Card
24 or the active duty member of the United States Armed
25 Forces under 21 years of age annually submits proof to
26 the Illinois State Police, in a manner prescribed by

1 the Illinois State Police Department;

2 (ii) He or she has not been convicted of a felony
3 under the laws of this or any other jurisdiction;

4 (iii) He or she is not addicted to narcotics;

5 (iv) He or she has not been a patient in a mental
6 health facility within the past 5 years or, if he or
7 she has been a patient in a mental health facility more
8 than 5 years ago submit the certification required
9 under subsection (u) of Section 8 of this Act;

10 (v) He or she is not a person with an intellectual
11 disability;

12 (vi) He or she is not an alien who is unlawfully
13 present in the United States under the laws of the
14 United States;

15 (vii) He or she is not subject to an existing order
16 of protection prohibiting him or her from possessing a
17 firearm;

18 (viii) He or she has not been convicted within the
19 past 5 years of battery, assault, aggravated assault,
20 violation of an order of protection, or a
21 substantially similar offense in another jurisdiction,
22 in which a firearm was used or possessed;

23 (ix) He or she has not been convicted of domestic
24 battery, aggravated domestic battery, or a
25 substantially similar offense in another jurisdiction
26 committed before, on or after January 1, 2012 (the

1 effective date of Public Act 97-158). If the applicant
2 knowingly and intelligently waives the right to have
3 an offense described in this clause (ix) tried by a
4 jury, and by guilty plea or otherwise, results in a
5 conviction for an offense in which a domestic
6 relationship is not a required element of the offense
7 but in which a determination of the applicability of
8 18 U.S.C. 922(g) (9) is made under Section 112A-11.1 of
9 the Code of Criminal Procedure of 1963, an entry by the
10 court of a judgment of conviction for that offense
11 shall be grounds for denying the issuance of a Firearm
12 Owner's Identification Card under this Section;

13 (x) (Blank);

14 (xi) He or she is not an alien who has been
15 admitted to the United States under a non-immigrant
16 visa (as that term is defined in Section 101(a) (26) of
17 the Immigration and Nationality Act (8 U.S.C.
18 1101(a) (26))), or that he or she is an alien who has
19 been lawfully admitted to the United States under a
20 non-immigrant visa if that alien is:

21 (1) admitted to the United States for lawful
22 hunting or sporting purposes;

23 (2) an official representative of a foreign
24 government who is:

25 (A) accredited to the United States
26 Government or the Government's mission to an

1 international organization having its
2 headquarters in the United States; or

3 (B) en route to or from another country to
4 which that alien is accredited;

5 (3) an official of a foreign government or
6 distinguished foreign visitor who has been so
7 designated by the Department of State;

8 (4) a foreign law enforcement officer of a
9 friendly foreign government entering the United
10 States on official business; or

11 (5) one who has received a waiver from the
12 Attorney General of the United States pursuant to
13 18 U.S.C. 922 (y) (3);

14 (xii) He or she is not a minor subject to a
15 petition filed under Section 5-520 of the Juvenile
16 Court Act of 1987 alleging that the minor is a
17 delinquent minor for the commission of an offense that
18 if committed by an adult would be a felony;

19 (xiii) He or she is not an adult who had been
20 adjudicated a delinquent minor under the Juvenile
21 Court Act of 1987 for the commission of an offense that
22 if committed by an adult would be a felony;

23 (xiv) He or she is a resident of the State of
24 Illinois;

25 (xv) He or she has not been adjudicated as a person
26 with a mental disability;

1 (xvi) He or she has not been involuntarily
2 admitted into a mental health facility; and

3 (xvii) He or she is not a person with a
4 developmental disability; and

5 (3) Upon request by the Illinois State Police, sign a
6 release on a form prescribed by the Illinois State Police
7 waiving any right to confidentiality and requesting the
8 disclosure to the Illinois State Police of limited mental
9 health institution admission information from another
10 state, the District of Columbia, any other territory of
11 the United States, or a foreign nation concerning the
12 applicant for the sole purpose of determining whether the
13 applicant is or was a patient in a mental health
14 institution and disqualified because of that status from
15 receiving a Firearm Owner's Identification Card. No mental
16 health care or treatment records may be requested. The
17 information received shall be destroyed within one year of
18 receipt.

19 (a-5) Each applicant for a Firearm Owner's Identification
20 Card who is over the age of 18 shall furnish to the Illinois
21 State Police either his or her Illinois driver's license
22 number or Illinois Identification Card number, except as
23 provided in subsection (a-10).

24 (a-10) Each applicant for a Firearm Owner's Identification
25 Card, who is employed as a law enforcement officer, an armed
26 security officer in Illinois, or by the United States Military

1 permanently assigned in Illinois and who is not an Illinois
2 resident, shall furnish to the Illinois State Police his or
3 her driver's license number or state identification card
4 number from his or her state of residence. The Illinois State
5 Police may adopt rules to enforce the provisions of this
6 subsection (a-10).

7 (a-15) If an applicant applying for a Firearm Owner's
8 Identification Card moves from the residence address named in
9 the application, he or she shall immediately notify in a form
10 and manner prescribed by the Illinois State Police of that
11 change of address.

12 (a-20) Each applicant for a Firearm Owner's Identification
13 Card shall furnish to the Illinois State Police his or her
14 photograph. An applicant who is 21 years of age or older
15 seeking a religious exemption to the photograph requirement
16 must furnish with the application an approved copy of United
17 States Department of the Treasury Internal Revenue Service
18 Form 4029. In lieu of a photograph, an applicant regardless of
19 age seeking a religious exemption to the photograph
20 requirement shall submit fingerprints on a form and manner
21 prescribed by the Illinois State Police ~~Department~~ with his or
22 her application.

23 (a-25) Beginning January 1, 2023, each applicant for the
24 issuance of a Firearm Owner's Identification Card may include
25 a full set of his or her fingerprints in electronic format to
26 the Illinois State Police, unless the applicant has previously

1 provided a full set of his or her fingerprints to the Illinois
2 State Police under this Act or the Firearm Concealed Carry
3 Act.

4 The fingerprints must be transmitted through a live scan
5 fingerprint vendor licensed by the Department of Financial and
6 Professional Regulation. The fingerprints shall be checked
7 against the fingerprint records now and hereafter filed in the
8 Illinois State Police and Federal Bureau of Investigation
9 criminal history records databases, including all available
10 State and local criminal history record information files.

11 The Illinois State Police shall charge applicants a
12 one-time fee for conducting the criminal history record check,
13 which shall be deposited into the State Police Services Fund
14 and shall not exceed the actual cost of the State and national
15 criminal history record check.

16 (a-26) The Illinois State Police shall research, explore,
17 and report to the General Assembly by January 1, 2022 on the
18 feasibility of permitting voluntarily submitted fingerprints
19 obtained for purposes other than Firearm Owner's
20 Identification Card enforcement that are contained in the
21 Illinois State Police database for purposes of this Act.

22 (b) Each application form shall include the following
23 statement printed in bold type: "Warning: Entering false
24 information on an application for a Firearm Owner's
25 Identification Card is punishable as a Class 2 felony in
26 accordance with subsection (d-5) of Section 14 of the Firearm

1 Owners Identification Card Act.".

2 (c) Upon such written consent, pursuant to Section 4,
3 paragraph (a)(2)(i), the parent or legal guardian giving the
4 consent shall be liable for any damages resulting from the
5 applicant's use of firearms or firearm ammunition.

6 (d) Upon written consent pursuant to subparagraph (i-5) of
7 paragraph (2) of subsection (a), the parent or legal guardian
8 giving the consent shall be liable for any damages resulting
9 from the applicant's use of firearms or firearm ammunition and
10 may be held accountable under Article 5 of the Criminal Code of
11 2012 for any criminal offenses resulting from the applicant's
12 use of firearms or firearm ammunition.

13 (Source: P.A. 101-80, eff. 7-12-19; 102-237, eff. 1-1-22;
14 102-538, eff. 8-20-21; revised 10-12-21.)